

REMARKS

Claims 67-83 and 85 are pending. Claim 67 has been amended in accordance with the Examiner's suggestion. This amendment provides grammatical clarity to the claim. Accordingly, this amendment does not raise an issue of new matter and entry thereof is respectfully requested.

Applicants appreciate the Examiner's reconsideration and subsequent withdrawal of the rejection of claims 67-68, and 84 as allegedly being unpatentable over Darveau et al. U.S. Patent No. 5,409,898.

Claim Objection

The Examiner has objected to claim 67 due to an alleged lack of grammatical clarity. Applicants have made the amendment suggested by the Examiner and respectfully request withdrawal of this objection.

Nonstatutory Double Patenting

Claims 67-69, 76, and 79 stand rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claim 1 of U.S. 6,743,769. Without addressing the merits of this rejection, Applicants submit herewith a terminal disclaimer and respectfully request withdrawal of this rejection.

Claims 67-69 stand rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-8 of U.S. Patent No. 7,067,621. Without addressing the merits of this rejection, Applicants submit herewith a terminal disclaimer and respectfully request withdrawal of this rejection.

Further Claim Objections

Claims 70-75, 77, 78, 80-83, and 85 are objected to for their dependence on a rejected claim. In light of the terminal disclaimers submitted herewith, Applicants respectfully request withdrawal of this objection.

Application No.: 09/648,816

In light of the amendment and remarks herein, Applicants submit that the claims are now in condition for allowance and respectfully request a notice to this effect. The Examiner is invited to call the undersigned agent if there are any questions.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502624 and please credit any excess fees to such deposit account.

Respectfully submitted,

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